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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,281	11/12/2003	Steven Stewart Ibara	WindRein	9319

7590 07/20/2004

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,281

Applicant(s)

IBARA ET AL.

Examiner

Amy J. Sterling

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llw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for application number 10/712,281 Page Holder Enabling Unencumbered Manual Page Turning, filed on 11/12/03. Claims 1-20 are pending.

Information Disclosure Statement

The information disclosure statement submitted on 1/30/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the method of claim 1" in line 1 and it is unclear since no method has been cited in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 10-14, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5979857 to Holm.

The patent to Holm discloses a page holder (100) applied directly to a book, with a tensioning mechanism (107) which is a self retracting spring (107C) biased reel (107A) set at a predetermined strength, a plurality of clamp gripping members (108), a retaining monofilament line (106) of a predetermined length, tensioning mechanism attached to one of the gripping members (108) and the other end of the line being attached to the second gripping member.

The method of claims 11-14 and 18 are shown by the above structure such as providing a page holder comprising a tensioning mechanism set at a predetermined strength being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning, the tensioning mechanism being attached to a first gripping member and the tensioning mechanism dispensing a retaining line, the other end of the line being attached to a second gripping member, providing a support for reading matter and placing reading matter on the support, attaching the gripping members to opposing edges of the support and extending the line across the reading matter, whereby the pages are

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retained in an open position and whereby a user can turn the page without delay or encumbrance and whereby the remaining pages are secure throughout the page turn, wherein the gripping members are clamps (108) and the tensioning mechanism is a spring biased self-retracting reel and the line is a monofilament.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5979857 to Holm as applied to claims 1, 3, 11 and 13 above, and in view of United States Patent No. 4826099 to Johnson.

Holms discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the reel is biased by an elastic band nor the method wherein the reel is biased by an elastic band.

Johnson shows a self retracting reel (22) which is biased by an elastic band (26), used for retracting a line into the reel (22), the method being inherent from the structure. Therefore, it would have been obvious to one having ordinary

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skill in the art at the time the invention was made from the teachings of Johnson to have used an elastic band to bias the reel, in order to retract the line into the reel.

Claims 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5979857 to Holm as applied to claims 1, 3, 11 and 13 above, and in view of United States Patent No. 6375165 to Sherratt et al.

Holms discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show a tension adjustment control on the reel so that the tension ranges can be between 0.05 N 0.6 N.

Sherratt et al. shows a winding mechanism with a tension adjustment control (68), used for adjusting the tension of the material wrapped around the reel (20) of the winding mechanism. Sherratt et al. does not disclose the specific tension range of .05N to .6N, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have this range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See In re Aller, 105 USPQ 233. Therefore, both limitations would have been obvious to one having ordinary skill in the art at the time of the invention in order to adjust and control the tension of the line as taught by Sherratt et al. in order to control the tension of the line in Holm.

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Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5979857 to Holm as applied to claims 1, 8, 11 and 18 above, and in view of United States Patent Publication No. 2004/0076825 A1 to Hashimoto et al.

Holms discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the monofilament is made from polyvinylidene fluoride or the method of providing the monofilament of polyvinylidene fluoride.

Hashimoto et al. discloses monofilaments that are made of polyvinylidene fluoride commonly termed PVDF, used for its resistance to deterioration in the mechanical properties. The method is inherent from the structural teachings in Hashimoto et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Hashimoto et al. to have used this material and to have the method of using this material, in order to prevent deterioration of the mechanical properties of the line.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5979857 to Holm as applied to claim 1 above, and in view of United States Patent No. 3813075 to Capper.

Holms discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the device is a clipboard.

Capper shows a book holding device, that is a clipboard, (at 23) used to hold a book or loose pages in place. Therefore, it would have been obvious to

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one having ordinary skill in the art at the time the invention was made from the teachings of Capper to have made the book holding device as a clipboard to hold a book or loose pages in place.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following devices show various book holding devices.

6244555 to Benja-Athon

5884889 to Crosby

4555128 to White et al.

4296946 to Larre et al.

2810231 to Lykes

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS

Amy J. Sterling

7/1/04



ANITA KING
PRIMARY EXAMINER